

PROPOSED ORDINANCE NO. 89 - 2015

MAKING CERTAIN DETERMINATIONS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AND AUTHORIZING THE GRANT OF A LICENSE TO BEACON WIRELESS, LLC TO UTILIZE AN APPROXIMATELY SIXTEEN HUNDRED (1600) SQUARE FOOT PORTION OF COUNTY-OWNED REAL PROPERTY SITUATED IN HEWLETT, TOWN OF HEMPSTEAD, COUNTY OF NASSAU, STATE OF NEW YORK, SAID REAL PROPERTY KNOWN AS SECTION 42, BLOCK 221 LOT 279 ON THE LAND AND TAX MAP OF THE COUNTY OF NASSAU AND AUTHORIZING THE COUNTY EXECUTIVE OF THE COUNTY OF NASSAU TO EXECUTE AN AMENDMENT TO A LICENSE AGREEMENT BETWEEN THE COUNTY OF NASSAU AND BEACON WIRELESS, LLC AND ALL PERTINENT DOCUMENTS IN CONNECTION THEREWITH.

WHEREAS, as authorized by Ordinance Nos. 232-2009, 56-2010, 229-2010 and 101-2014 of the Nassau County Legislature (the “Ordinances”), Beacon Wireless, LLC (the “Licensee”) and the County have previously executed a non-exclusive Communications Site Master License Agreement (the “Agreement”) to allow the Licensee to install and maintain telecommunications facilities on properties owned by and located in the County;

WHEREAS, the Agreement states that the County may, but is not obligated to, allow the Licensee to develop wireless telecommunications facilities on other sites owned by and located in the County;

WHEREAS, the County and the Licensee have previously executed Amendment No. 1, Amendment No. 2 and Amendment No. 3 to the Agreement;

WHEREAS, the Licensee desires to replace the existing lattice tower wireless telecommunications installation located at the Nassau County Police Department 4th Precinct, 1699 Broadway, Hewlett, New York (the “Premises”) with a new wireless

telecommunications facility and to contract with wireless telecommunications providers to use space on such wireless telecommunications facility;

WHEREAS, the County has determined that the granting of the License for the Premises will have no adverse effect on the County's use of the Premises;

WHEREAS, the County has no objection to the grant of the License subject to the terms and conditions contained in the Agreement;

WHEREAS, in accordance with Section 1611 of the Nassau County Charter and acting in an advisory capacity to the Nassau County Legislature, the Nassau County Planning Commission has reviewed the proposed action, namely the grant of the License to use the Premises, and determined that it is an "Unlisted Action" pursuant to the New York State Environmental Quality Review Act ("SEQRA"), and has further reviewed the Environmental Assessment Form ("EAF") for the proposed action and recommends that the Legislature upon its review of the EAF and any supporting documentation, if any, determine that the evidence before it indicates that the proposed action will have no significant environmental impact and does not require further environmental review;

WHEREAS, the Nassau County Planning Commission, acting in an advisory capacity to the Nassau County Legislature, passed a resolution regarding the proposed action, a copy of such resolution being attached hereto as Appendix A and incorporated herein, recommending that the Legislature conclude that no further environmental review or action is required on such proposed action.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATURE OF THE COUNTY OF NASSAU AS FOLLOWS:

1. That the County Executive be and is hereby authorized to grant said License to use the Premises, which Premises is more particularly described as follows:

All that certain plot, piece or parcel of land situate, lying and being in the unincorporated area known as Hewlett, Town of Hempstead, County of Nassau, State of New York, known and designated as Section 42, Block 221, Lot 279 on the Land and Tax Map of the County of Nassau and as shown on Schedule A attached hereto, subject to all of the terms and conditions contained in the Agreement.

2. That the County Executive be and he hereby is authorized to execute for, and on behalf of the County of Nassau, Amendment No. 4 to the Agreement and to execute any and all other instruments and to take such other action as is necessary, to carry out the purposes of Amendment No. 4.

3. That it is hereby determined pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the proposed grant of the License has been determined not to have a significant effect on the environment and no further review is required for the reasons set forth in the attached Determination of Non-Significance.

4. This ordinance shall take effect immediately.